

Mr. SPEAKER.—The question is:

“That the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Bill, 1960, be passed”

The motion was adopted.

THE MYSORE HEREDITARY VILLAGE OFFICES ABOLITION BILL, 1959, AS REPORTED BY JOINT SELECT COMMITTEE.

Motion to consider

Sri KADIDAL MANJAPPA (Minister for Revenue).—Sir, I move:

“That the Mysore Hereditary Village Offices Abolition Bill, 1959 as reported by Joint Select Committee be taken into consideration.”

Mr. SPEAKER.—Motion Moved:

“That the Mysore Hereditary Village Offices Abolition Bill, 1959 as reported by Joint Select Committee be taken into consideration.”
The time allotted for the consideration of this Bill is three hours.

Sri M. C. NARASIMHAN.—Sir, I have got a point of order about this. It is a general convention that the Select Committee Report cannot change the entire character of the Bill; it can only make amendments in the direction or by way of clarification in the direction of principles already enunciated in the Bill. Here, it makes a fundamental departure from the Bill. Sir, several other Select Committee Reports also coming before us. I am having them also in view.

The second objection so far as this Bill is concerned is as follows. You will kindly see that section 5 of the report, provides land being granted. It creates a right in favour of a village officer who has already been assigned but in the case of a person who has not been assigned any land, there is no right created. The subject matter is abolition of village offices. It has nothing to do with the conditions covering the village offices. Then, you cannot make an invidious discrimination between those people who are assigned land and those who are not assigned land. Since it offends one of the important articles of the Constitution which guarantees equality of treatment before the eye of law. This has been discriminatory in character and you should examine whether this Select Committee can be taken in the form in which it is presented before us.

Mr. SPEAKER.—First of all, the Hon'ble Member has raised a point about the powers of the Joint Select Committee. The Select Committee or the Joint Select Committee recommends; it does not pass any law. It only recommends to this House; it is a recommendatory body and it is for this House either to accept or to reject it.

Secondly, so far as the main principle of this Bill is concerned, it is abolition of hereditary village offices. I must say that there is no departure in that. If the Select Committee had taken a view that the Hereditary Offices should not be abolished, then that would have gone beyond the reference made to them.

If that is so, cannot be said that the recommendation so far as the abolition of hereditary officers is concerned is not in consonance with the reference to the Select Committee. So far as other minor matters are concerned, it is for the House either to accept or not to accept. It depends on the merits of the case.

About clause 5, the objection raised by my friend is incorrect. Whether clause 5 should be accepted or not is left to the House.

†Sri KADIAL MANJAPPA.—Sir, the bill was referred to the Joint Select Committee consisting of 22 members including the Chairman and the Law Minister. The Committee heard some witnesses representing some associations of village officers. They also considered the representations of these associations. They considered the advice given by the Government of India with regard to the question whether tenants should be given the occupancy rights in respect of lands which are cultivated by the tenants under the village officers. The main point that was considered by the the Select Committee was whether compensation is payable to the holders of the office proposed to be abolished. When the bill was being considered by the Joint Select Committee an important event happened. The Supreme Court came to a decision in writ No.133 of 1959 that the hereditary principle adopted while appointing people to the posts of village officers is inconsistent with Article 16 of the constitution.

Sri U. MADAPPA.—Is there any necessity to bring this bill. Automatically the hereditary offices are abolished in view of the decision of the Supreme Court decision.

Sri KADIAL MANJAPPA.—The Supreme Court held that the hereditary principle cannot be accepted in the light of the constitutional provisions but there is need for abolishing the existing officers and to create new officers in that place and to provide for the appointing of full-time Government servants. Therefore we have been advised by the Law Department that the bill may be passed as recommended by the Joint Select Committee.

Sri C. J. MUCKANNAPPA.—May we know when the Supreme Court gave this decision?

Sri KADIAL MANJAPPA.—It was given on 6th December 1960. It is found in the Supreme Court Journal page 310, in writ petition No. 133 of 1959. This was a case relating to the Madras Hereditary Village Officers Act of 1895. The question for the Court's consideration is whether hereditary rights could be recognised in the context of Article 14 and 16 of the Constitution. Their lordships held that the hereditary principle is in contravention of Article 16 (2) of the Constitution and

(SRI KADIDAL MANJAPPA)

they held that Section 6 (1) of the Village Officers Act of Madras to be void. This was a case in which one person contended that he deserved to be appointed as a village munsiff in preference to a person who was appointed by the Collector, on the plea that he was the son of the last holder of the office of Village munsiff. The Supreme Court held that hereditary rights cannot be recognised under the Constitution. In this case notices were issued by the Supreme Court to all the States because it involved a general principle applicable to all the States where hereditary village officers were in existence.

SRI U. M. MADAPPA.—Is it not a fact that compensation was paid to these village officers before this decision was given by the Supreme Court.

SRI KADIDAL MANJAPPA.—In Bombay area the posts of Kulkarnis were abolished and they were paid compensation. That was prior to the Constitution, I believe.

Therefore the Committee came to the conclusion that there is no need to pay compensation for abolishing these offices. When there is no right, why should we pay compensation..

SRI U. M. MADAPPA.—Why do you not withdraw the bill and act upon the decision of the Supreme Court.

SRI KADIDAL MANJAPPA.—There are the present incumbents. Unless there is a law to remove them they cannot be removed.

SRI C. J. MUCKANNAPPA.—Why do you pay compensation? The affected persons can come forward with an application for Rs.100.

SRI KADIDAL MANJAPPA.—This is not by way of compensation. This is a sort of rehabilitation grant or *ex-gratia* payment.

SRI U. M. MADAPPA.—Is it your opinion that they cannot be removed without this law?

SRI K. PUTTASWAMY.—May I know, in the light of the Supreme Court's decision what is the basis of these Village officers?

SRI KADIDAL MANJAPPA.—They continue to be Village officers so long as they hold the office, but when there is a vacancy the son of patel cannot claim the post because he is the son of so and so.

SRI K. PUTTASWAMY.—I am not begging the question. The Supreme Court has ruled that it cannot be considered as hereditary offices. If that is so how are the Government going to treat them at present. Are you going to treat them as on contract service or Government servants.

SRI KADIDAL MANJAPPA.—They are the village officer functioning under the Village Officers Act. The hereditary principle is null and void. That particular section is void; not the entire Act as such.

SRI M. C. NARASIMHAN.—The right for appointment is derived under section 6. That section goes away.

Sri KADIDAL MANJAPPA.—They are holding the office and they are being continued.

ಶ್ರೀ ಎಸ್. ಆರ್. ರಾಮಯ್ಯ.—ಅವರು ಯಾವಾಗ ಈ ಕಾನೂನಿನ ಪ್ರಕಾರ ಅಧಿಕಾರಿಗಳನ್ನೇ ಉಂಟುಮಾಡಿದ್ದಾರೆ ಅಧಿಕಾರದಲ್ಲಿಟ್ಟುಕೊಂಡು ಹೇಗೆ ಕೆಲಸ ನಡೆಸುತ್ತಿದ್ದಾರೆ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ವಿನ್ಯೂಕೋಡ್ ಮತ್ತು ವಿರೇಜ್ ಅಫೀನರ್ಸ್ ಕಾನೂನಿನ ಪ್ರಕಾರ ಕೆಲಸ ತೆಗೆದುಕೊಳ್ಳುತ್ತಿದ್ದೇವೆ.

Sri U. M. MADAPPA.—We must know whether this code is valid at all.

Sri KADIDAL MANJAPPA.—Merely because one section holds that hereditary principle is void, we cannot come to the conclusion that the entire law is void.

ಶ್ರೀ ಬಿ. ಎಂ. ನಾರಾಯಣಸ್ವಾಮಿ.—ನ್ಯಾಯ, ಸರ್ಕಾರದ ನೌಕರರಿಗೆ ಕೊಟ್ಟ ಹಾಗೆ ಇವರಿಗೆ ರೆಟಾಯ್ನ್ಮೆಂಟ್ ಎಫೆಕ್ಟ್ ಇದೆಯೇ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ ಜಾರಿಗೆ ಬಂದರಾಗಾಯಿತು ಹೆರಿಟರಿ ಪ್ರಿನ್ಸಿಪಲ್ ಎಂದು ಏನು ಹೇಳಿದೆ ಅದು ರೆಕಗ್ನೈಜ್ ಮಾಡತಕ್ಕದ್ದು ಅಲ್ಲವೆಂದು ಹೇಳಿದೆ.

ಶ್ರೀ ಬಿ. ಎಂ. ನಾರಾಯಣಸ್ವಾಮಿ.—ಹಾಗಾದರೆ ಇದುವರೆಗೂ ಶ್ಯಾನುಭೋಗಿ ಪರ್ಜೆಲರ ಅಫೀಸು ಹಕ್ಕುದಾರರ ಅಫೀಸ್ ಎಂದು ಜಾರಿಗೆ ತಂದದ್ದು ತಪ್ಪು ಎಂದು ಹೇಳುತ್ತೀರೋ?

ಶ್ರೀ ಕಡಿದಾಳ್ ಮಂಜಪ್ಪ.—ಅದನ್ನು ಆಗಲೇ ಹೇಳಿದ್ದರು.

ಅಧ್ಯಕ್ಷರು.—ಈಗ ಅದು ಹೋಯಿತು. ಅವರು ಎಲ್ಲೆಯವರಗೆ ಕೆಲಸ ಮಾಡುತ್ತಾರೋ ಅಲ್ಲೆಯವರಗೆ ಅವರು ವಿರೇಜ್ ಅಫೀನರ್ಸ್ ಎಂದು ಅರ್ಥ.

Sri M. C. NARASIMHAN.—The appointment was made on the hereditary principle. It is that principle which has been attacked. How can a person who has been appointed on an illegal principle can continue in office?

Sri KADIDAL MANJAPPA.—He has been continued. That principle held good prior to the Constitution.

Sri Y. VEERAPPA.—In principle do you treat them as Government servants.

Sri KADIDAL MANJAPPA.—In a sense they are Government servants.

Sri Y. VEERAPPA.—So, when the posts are abolished is it not justifiable to pay them some compensation.

ಶ್ರೀ ಪಿ. ಜಿ. ಸಿದ್ದಾಂತಿ.—ಹಳೆಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ನಿತ್ಯೀ ಬೀಶ್ ಬೊಂಬಾಯಿನೊಳಗೆ ಪ್ರತಿಯೊಬ್ಬ ಪರ್ಜೆಲರಿಗೂ ಹೆರಿಟರಿ ಅಫೀಸ್ ಎಂದೇನೂ ಮಾಡಿಲ್ಲ. ಅವರನ್ನು ಸರ್ಕಾರದವರೇ ನೇಮಿಸಿದ್ದಾರೆ. ಸರ್ಕಾರದ ಪರವಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದಾರೆ. village police Act ಪ್ರಕಾರ ಪೋಲೀಸ್ ಪರ್ಜೆಲ್ ಇತ್ಯಾದಿ ಹುದ್ದೆಗಳಿವೆ. ಅವರಲ್ಲಿ ಹೆರಿಟರಿ ಪ್ರತ್ಯೇಕ ಬರುವುದಿಲ್ಲ. ಇವೆರಡು ಅಲ್ಲಗೆ ಅನ್ವಯವಾಗುವುದಿಲ್ಲ. ಇದನ್ನು ಬಿಡುವುದು ಜರೂರಿವೆ. ಹಳೆಯ ಮೈಸೂರು ಆಕ್ಟ್ ಪ್ರಕಾರ ಇವರ ಹಾಗೆ ಹೆರಿಟರಿ ಅಲ್ಲಿದ್ದಿದ್ದರೆ ಅವರೂ ಸಹ ಹಿಂದೆ ಇನ್ನೂ ಚೆನ್ನಾಗಿ ಕೆಲಸ ಮಾಡಬಹುದಾಗಿತ್ತು ಎಂದು ನನ್ನ ಭಾವನೆ.

Sri KADIDAL MANJAPPA—It has been held in Sri Ramappa's case that these offices are office of profit. Therefore, they are in a sense Government servants.

Sri K. PUTTASWAMY.—Sir, one point that has been vexing me is, whether they are to be treated as Government servants. If they are to be treated as Government servants and if they are going to be terminated, what are the claims they may be having?

Sri KADIDAL MANJAPPA.—In a sense they are Government servants. But they are not governed by the Mysore Service Rules and Regulations.

Sri K. PUTTASAWAMY.—I am not trying to raise any point of dispute. I want to know from the Minister whether these persons who are holding office have any claim on the Government when these offices are abolished.

Sri KADIDAL MANJAPPA.—I was submitting that these offices are held to be office of profit but these officers are not like other officers in Government service. These services of these Village officers are governed by several Acts.

Sri B. L. NARAYANSWAMY.—Has the Government framed any separate regulations for these officers.

Sri KADIDAL MANJAPPA.—Yes, they are governed by three or four enactments referred to in the Bill and also the Revenue Code. But, they are not like other Government servants.

Sri K. PUTTASWAMY.—Under the prevailing law even a temporary labourer is entitled for some compensation when his services are dispensed with. That has been made a justiciable right and even the Government when it retrenches some labourers in industrial concerns, pay them some compensation. From that point of view, I am anxious that the Government should examine and make a statement.

†**Sri K. S. SURYANARAYANA RAO**.—The other doubt that I have is, when once it is held that it is not a hereditary office and they are Government servants, then the service conditions and other things connected with that office will have to be determined by the Government not by way of legislation. If there are no rules and regulations governing the conduct of those services, a Bill has to be introduced governing these aspects. Therefore a law to abolish that office may not be necessary as the Hon'ble Member Sri Puttaswamy put it. As to whether they are entitled for any compensation or not is another matter. When they are to be treated as Government servants, they are to be given some natural justice. That is a matter to be enquired into. So, what should be the relationship between the Government and those officers will have to be determined. If at all any law is necessary, that should be in respect of those aspect and not for abolishing a particular office which is held to be not hereditary. Also the question of compensation and other things will not arise because they are the matters to be enquired into.

6-00 P.M.

But we cannot dispense with the services of those who are already in service by an Act of this House, though this House is supreme so far as the servants under it are concerned. Are we going to enact a law by which we are going to remove all of them who are in office today? The Supreme Court decision only says that it is not a heritable right. Does it say that the persons in office should be removed? What will be the position if we are going to remove all the persons from office by this Bill? It needs a little more thinking.

A MEMBER.—The Hon'ble Minister said that they were Government servants.

Sri KADIDAL MANJAPPA.—I said that they were not like other Government servants. Other Government servants are governed by certain rules. Those rules are not applicable to this class of officers. They are governed by separate enactments like the Village Officer's Act. Anyway, I will reply to these queries tomorrow.

Mr. SPEAKER.—The House will now rise and meet tomorrow at 1 P.M.

The House adjourned at Five Minutes past Six of the Clock to meet again at One of the Clock on Tuesday, the 18th April 1961.
